

BILL NO. 88-84
AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 88-84 (AS AMENDED)

Introduced by Council Members Hooper and Parrott
Legislative Day No. 88-35 Date December 6, 1988

AN ACT to repeal and reenact, with amendments, Article XXI, Board of Library Trustees, of Part 3, Authoritative Boards and Commissions, of Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County Code, as amended; to alter the powers, duties, responsibilities, and procedures of the Board of Library Trustees; to alter the method for selecting Board members; and generally relating to the Board of Library Trustees.

By the Council, December 6, 1988

Introduced, read first time, ordered posted and public hearing scheduled

on: January 10, 1989

at: 6:30 P.M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held

on January 10, 1989

and concluded on January 10, 1989

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

BILL NO. 88-84
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1 Section 1. Be It Enacted By The County Council of Harford
2 County, Maryland, that Article XXI, Board of Library Trustees,
3 of Part 3, Authoritative Boards and Commissions, of Chapter 9,
4 Boards, Commissions, Councils and Agencies, of the Harford
5 County Code, as amended, be, and it is hereby, repealed and
6 reenacted with amendments, all to read as follows:

7 Chapter 9. Boards, Commissions, Councils and Agencies.

8 Part 3. Authoritative Boards and Commissions.

9 Article XXI. Board of Library Trustees.

10 Section 9-14. Creation.

11 The Harford County Board of Library Trustees is hereby
12 created as an agency of Harford County, Maryland, pursuant to
13 the Education Article of the Annotated Code of Maryland,
14 23-301(b)(2).

15 Section 9-125. Membership.

16 [A. The Harford County Board of Library Trustees shall
17 consist of seven (7) members appointed by the County Executive
18 and confirmed by the County Council.

19 B. The County Executive shall appoint Board members from
20 a list of names nominated by the Board. The Board shall
21 nominate at least three (3) people for every vacancy.]

22 A. THE BOARD SHALL CONSIST OF:

23 ~~A.~~ (1) SEVEN MEMBERS APPOINTED BY THE COUNTY EXECUTIVE
24 AND CONFIRMED BY THE COUNTY COUNCIL; AND

25 ~~B.~~ (2) AN EX OFFICIO, NON-VOTING MEMBER OF THE COUNTY
26 COUNCIL, CHOSEN ANNUALLY BY THE COUNCIL.

27 B. THE BOARD SHALL RECOMMEND TO THE EXECUTIVE AT LEAST
28 THREE (3) PERSONS FOR EACH BOARD VACANCY. THE EXECUTIVE MAY,
29 BUT NEED NOT, APPOINT A PERSON RECOMMENDED BY THE BOARD.

30 C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE
31 BOARD MAY INCREASE ITS MEMBERSHIP. AN INCREASE OF MEMBERSHIP
32 IS SUBJECT TO APPROVAL BY THE COUNTY COUNCIL, AND THE

ADDITIONAL MEMBERS SHALL BE APPOINTED IN ACCORDANCE WITH
SUBSECTION A OF THIS SECTION.

Section 9-126. Qualifications.

The members of the Board shall be:

A. Residents of Harford County.

B. Appointed on the basis of character, ability and demonstrated interest in library matters.

C. Representative of the areas the library system serves.

Section 9-127. Terms of office; vacancies.

A. Each member of the Board shall serve for a term of five (5) years. AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES. These terms shall be staggered as required by the terms of the members serving on the Board as of July 1, 1981.

B. A member may be reappointed but may not serve more than two (2) consecutive five-year terms.

C. A member appointed to fill a vacancy in an unexpired term shall serve for the remainder of that term and may be reappointed to two (2) full five-year terms thereafter.

Section 9-128. Salaries and compensation.

Each member of the Board shall serve without compensation.

Section 9-129. Officers.

A. [Each] BY ~~DECEMBER~~ JULY 1 OF EACH year the Board shall nominate one (1) of its members as Chairperson, subject to appointment by the County Executive and confirmation by the County Council. ~~A-MEMBER-MAY-NOT-SERVE-AS-CHAIRPERSON-FOR-MORE-THAN-TWO--(2)--YEARS--DURING--ANY--FIVE-YEAR--PERIOD.~~ [The Chairperson shall serve as agency head in accordance with Section 313 of the Charter.]

B. The Board may, without confirmation, elect any other officers it deems necessary.

Section 9-130. Meetings.

1 A. [Meetings generally. The Board of Library Trustees
2 shall determine the time and place of its meetings and may
3 adopt rules for the conduct of its meetings in accordance with
4 Section 807 of the Charter.]

5 (1) [The Board shall meet at least once every three
6 (3) months.] THE BOARD SHALL MEET ~~AT 7:00 P.M. ON THE THIRD~~
7 ~~THURSDAY OF~~ AT REGULARLY SCHEDULED TIMES AT LEAST ONCE EACH
8 MONTH, EXCEPT AUGUST AND DECEMBER, WHEN IT NEED NOT MEET. THE
9 BOARD MAY HOLD SPECIAL MEETINGS AT THE CALL OF THE CHAIRPERSON
10 OR TWO (2) OR MORE MEMBERS. ALL BOARD MEETINGS SHALL BE HELD
11 IN A ROOM THAT SEATS AT LEAST 50 MEMBERS OF THE PUBLIC. FOUR
12 (4) MEMBERS OF THE BOARD ARE A QUORUM.

13 (2) [Any final action of the Board shall be taken at a
14 public meeting.]

15 THE BOARD SHALL:

16 (a) EXCEPT WHERE THEY CONFLICT WITH THIS ARTICLE,
17 USE ROBERT'S RULES OF ORDER FOR THE CONDUCT OF ITS MEETINGS;
18 AND

19 (b) APPOINT A MEMBER OR A BOARD EMPLOYEE AS
20 PARLIAMENTARIAN.

21 (3) (a) EXCEPT AS PROVIDED IN THIS SECTION, ALL BOARD
22 BUSINESS SHALL BE CONDUCTED IN OPEN MEETINGS.

23 (b) THE BOARD MAY MEET IN A CLOSED MEETING OR
24 ADJOURN AN OPEN MEETING TO A CLOSED MEETING ONLY TO:

25 (i) DISCUSS THE EMPLOYMENT, ASSIGNMENT,
26 PROMOTION, DISCIPLINE, DEMOTION, COMPENSATION, REMOVAL, OR
27 RESIGNATION OF A BOARD EMPLOYEE, OR POTENTIAL BOARD EMPLOYEE;

28 (ii) DISCUSS THE POSSIBLE ACQUISITION OF
29 REAL PROPERTY;

30 ~~(iii)~~ (iii) CONSULT WITH COUNSEL; OR

31 ~~(iv)~~ (iv) CONSULT WITH STAFF, CONSULTANTS, OR
32 OTHER INDIVIDUALS ABOUT PENDING OR POTENTIAL LITIGATION.

[(3)](4)(a) THE BOARD SHALL KEEP MINUTES OF ITS MEETINGS, BOTH CLOSED MEETINGS AND OPEN MEETINGS, AND THE [The] minutes [of Board meetings] shall be open to the public.

(b) ALL VOTING, EXCEPT ON PROCEDURAL MOTIONS, SHALL BE BY ROLL CALL, AND THE AYES AND NAYS SHALL BE RECORDED IN THE MINUTES.

~~(c)---MINUTES--OF--A--CLOSED--MEETING--NEED--NOT CONTAIN--THE--NAME--OF--ANY--CURRENT--OR--POTENTIAL--BOARD--EMPLOYEE--WHO IS--THE--SUBJECT--OF--DISCUSSION--UNDER--SUBSECTION--a--(3)--(b)--(i)--OF THIS--SECTION.~~

(c) MINUTES OF A CLOSED MEETING NEED NOT CONTAIN:

(i) THE NAME OF ANY CURRENT OR POTENTIAL BOARD EMPLOYEE WHO IS THE SUBJECT OF DISCUSSION UNDER SUBSECTION A.(3)(b)(i) OF THIS SECTION; OR

(ii) MORE THAN A BRIEF SUMMARY OF ANY OTHER MATTER DISCUSSED UNDER SUBSECTION A.(3)(b) OF THIS SECTION.

(d) AT LEAST SEVEN (7) CALENDAR DAYS BEFORE THE NEXT REGULAR BOARD MEETING, THE BOARD SHALL SEND COPIES OF THE MINUTES OF ITS PREVIOUS MEETING TO THE DIRECTOR OF ADMINISTRATION, THE SECRETARY OF THE COUNTY COUNCIL, AND THE COUNTY ATTORNEY.

(5) THE AGENDA FOR EACH REGULAR BOARD MEETING SHALL INCLUDE AT LEAST THE FOLLOWING ITEMS:

- (a) CALL TO ORDER;
- (b) RECOGNITIONS;
- (c) APPROVAL OF MINUTES;
- (d) TREASURER'S REPORT;
- (e) COMMITTEE REPORTS;
- (f) SPECIAL PRESENTATIONS;
- (g) ACTION ITEMS;

- (h) OLD BUSINESS;
- (i) NEW BUSINESS;
- (j) COMMENTS FROM THE PUBLIC;
- (k) BUSINESS FROM THE CHAIRPERSON;
- (l) BUSINESS FROM BOARD MEMBERS; AND
- (m) ADJOURNMENT.

(6) THE BOARD SHALL SEND COPIES OF ITS AGENDA FOR EACH REGULAR MEETING TO THE DIRECTOR OF ADMINISTRATION, THE SECRETARY OF THE COUNTY COUNCIL, AND THE COUNTY ATTORNEY AT LEAST SEVEN (7) CALENDAR DAYS BEFORE THE MEETING.

(7) A BOARD MEETING MAY BE CANCELLED ONLY IF A QUORUM IS NOT PRESENT.

(8) (a) IN ADDITION TO THE PUBLIC NOTICE PROVISIONS OF THE STATE GOVERNMENT ARTICLE, 10-506 OF THE ANNOTATED CODE OF MARYLAND, THE BOARD SHALL POST NOTICES OF ITS REGULAR MEETINGS IN EACH LIBRARY BRANCH AT LEAST SEVEN (7) CALENDAR DAYS BEFORE EACH MEETING.

(b) EACH NOTICE SHALL:

- (i) BE POSTED IN A CONSPICUOUS PLACE;
- (ii) BE IN WRITING;
- (iii) INCLUDE THE DATE, TIME, AND PLACE OF THE MEETING; AND
- (iv) INCLUDE THE AGENDA FOR THE MEETING.

(9) NOTICE OF SPECIAL MEETINGS OF THE BOARD SHALL BE GIVEN IN ACCORDANCE WITH PARAGRAPH (8) OF THIS SUBSECTION UNLESS, IN THE JUDGMENT OF THE CHAIRPERSON, AN EMERGENCY SPECIAL MEETING IS NECESSARY.

B. [Failure of members to attend meetings.]

(1) A member of the Board [of Library Trustees] who fails to attend at least half of the scheduled meetings of the Board during any calendar year shall be deemed to have [tendered his resignation] RESIGNED from the Board.

1 (2) The Chairperson of the Board [of Library Trustees]
2 shall report the member's name and nonattendance to the County
3 Executive by January 15 of the following year.

4 (3) The County Executive may reject the resignation if
5 the member explains the nonattendance satisfactorily.

6 (4) The resignation is effective from the date of the
7 final review by the County Executive, which shall be within
8 thirty (30) days after the report is received from the
9 Chairperson [of the Board of Library Trustees]. The County
10 Executive shall fill any resulting vacancy as provided in
11 9-127.

12 Section 131. Powers and duties.

13 A. [Free service.] The Board [of Library Trustees]:

14 (1) Shall establish and operate the library to provide
15 free service to residents of Harford County.

16 (2) May permit persons outside of the county to use the
17 library facilities on terms and conditions it determines.

18 B. [Management of library.] The Board [of Library
19 Trustees] shall:

20 (1) Establish and operate libraries at any location in
21 the county.

22 (2) Determine the [policy] POLICIES of the library.

23 (3) Adopt reasonable rules and regulations and bylaws
24 for the use of the library and the conduct of its [business]
25 BUSINESS, in accordance with Section 807 of the [Harford
26 County] Charter. THE BOARD MAY NOT ADOPT ANY RULE, REGULATION,
27 OR BYLAW THAT CONFLICTS WITH THE PROVISIONS OF THIS ARTICLE.

28 C. [Fiscal matters.] The Board [of Library Trustees]
29 shall:

30 (1) [Assist in the preparation of and approve the
31 library budget, as prepared by the Director of the library, and
32 shall annually submit a budget to the County Executive in

1 accordance with Section 504 of the Charter.]

2 (a) ASSIST THE DIRECTOR OF THE LIBRARY IN PREPARING
3 THE LIBRARY BUDGET;

4 (b) ENSURE THAT THE BUDGET:

5 (i) IS PREPARED IN ACCORDANCE WITH COUNTY
6 BUDGET PRACTICES; AND

7 (ii) INCLUDES BUDGET CATEGORIES, A CHART OF
8 ACCOUNTS, AND ANY OTHER BUDGET PRACTICE REQUIRED BY THE COUNTY
9 EXECUTIVE;

10 (c) REVIEW AND APPROVE THE BUDGET; AND

11 (d) SUBMIT THE BUDGET TO THE COUNTY EXECUTIVE IN
12 ACCORDANCE WITH SECTION 504 OF THE CHARTER.

13 (2) Receive, account for, control and supervise, under
14 the rules and regulations of the county, the spending of all
15 funds received by the library.

16 (3) OBTAIN AUTHORIZATION FROM THE COUNTY EXECUTIVE
17 BEFORE TRANSFERRING APPROPRIATIONS BETWEEN BUDGET CATEGORIES IN
18 THE CURRENT LIBRARY EXPENSE BUDGET.

19 D. [Procurement matters. The Board of Library Trustees
20 shall:

21 (1) Provide that purchases of goods and services shall
22 be made by library personnel with the general advice of the
23 Director of Procurement for Harford County.

24 (2) Conform to the requirements of the County
25 Procurement Law for the procurement of any goods and services
26 for capital projects.]

27 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
28 SUBSECTION, THE BOARD SHALL REQUIRE THAT GOODS AND SERVICES FOR
29 THE LIBRARY, INCLUDING GOODS AND SERVICES FOR CAPITAL PROJECTS,
30 BE PURCHASED IN ACCORDANCE WITH THE PROCUREMENT LAW FOR THE
31 COUNTY.

32 (2) THIS SUBSECTION DOES NOT APPLY TO:

1 (a) LIBRARY MATERIALS AVAILABLE FOR LOAN TO THE
2 PUBLIC;

3 (b) GIFTS TO THE LIBRARY; OR

4 (c) GOODS OBTAINED AT LESS THAN FAIR MARKET VALUE
5 FROM ANOTHER LIBRARY.

6 E. THE BOARD:

7 (1) SHALL USE THE COUNTY LAW DEPARTMENT FOR ANY LEGAL
8 SERVICES IT REQUIRES; AND

9 (2) MAY, IN ACCORDANCE WITH THE PROVISIONS OF 403(c)
10 OF THE CHARTER, RETAIN OUTSIDE COUNSEL.

11 [E. Audit and annual report.]

12 F. (1) The Board [of Library Trustees] shall make an
13 annual report to the County Executive and County Council on or
14 before November 1 of each year that shows:

15 (a) The amounts of money received from the library
16 fund and other resources.

17 (b) The itemized expenses.

18 (c) The number of books and periodicals the library
19 has.

20 (d) Any other information the County Executive or
21 County Council may require.

22 (2) (a) The library operations shall be audited
23 annually in accordance with standard governmental auditing
24 procedures.

25 (b) THE BOARD SHALL FORWARD A COPY OF THE AUDIT
26 TO THE COUNTY TREASURER BY OCTOBER 1 OF EACH YEAR.

27 [F. Other powers.] G. The Board [of Library Trustees]
28 may:

29 (1) Accept any gift, grant or appropriation for library
30 purposes from any person under any appropriate terms and
31 conditions.

32 (2) Recommend to the County Executive and County

1 Council the acquisition, use of conveyance of property for any
2 valid purpose.

3 (3) Select the location of and approve plans for the
4 erection of library buildings in accordance with county laws
5 and regulations.

6 (4) Do anything else necessary for the proper control
7 and development of the library, consistent with county laws and
8 regulations.

9 Section 9-132. Library personnel.

10 A. [Appointment of personnel.] The Board [of Library
11 Trustees] shall:

12 (1) Select and appoint a certified professional
13 librarian as Director of the library.

14 (2) BY SEPTEMBER 1 OF EACH YEAR, SEND--WRITTEN
15 EVALUATIONS--FROM--EACH--BOARD--MEMBER--CONCERNING--THE--DIRECTOR'S
16 JOB--PERFORMANCE--TO--THE--COUNTY--EXECUTIVE--AND--THE--COUNTY--COUNCIL
17 COMPLETE A WRITTEN EVALUATION OF THE DIRECTOR'S JOB PERFORMANCE
18 AND FORWARD IT TO THE COUNTY EXECUTIVE.

19 (3) Upon recommendation of the Director, appoint any
20 other necessary employees.

21 B. ~~(1) THE DIRECTOR'S EMPLOYMENT CONTRACT WITH THE BOARD~~
22 ~~MAY BE RENEWED ONLY UPON THE AFFIRMATIVE VOTE OF AT LEAST FOUR~~
23 ~~(4) BOARD MEMBERS DURING A REGULARLY SCHEDULED BOARD MEETING.~~

24 THE BOARD MAY NOT AGREE, BY CONTRACT OR OTHERWISE, TO ANY OTHER
25 METHOD OF RENEWAL, AND ANY SUCH AGREEMENT IS VOID. ~~RENEWAL-OF~~
26 ~~THE--EMPLOYMENT--CONTRACT--IS--NOT--FINAL--UNTIL--APPROVED--UNDER~~
27 ~~PARAGRAPH--(2)--OF--THIS--SUBSECTION.~~

28 ~~(2) THE--FOLLOWING--BOARD--ACTIONS--ARE--NOT--FINAL--UNTIL~~
29 ~~APPROVED--BY--THE--COUNTY--EXECUTIVE--AND--CONFIRMED--BY--THE--COUNTY~~
30 ~~COUNCIL.~~

31 (a) ~~APPOINTMENT--OF--THE--DIRECTOR.~~

32 (b) ~~EXECUTION--OF--THE--DIRECTOR'S~~

1 ~~EMPLOYMENT CONTRACT, AND~~

2 ~~(c) RENEWAL OF THE DIRECTOR'S~~
3 ~~EMPLOYMENT CONTRACT.~~

4 ~~(3) THE DIRECTOR'S EMPLOYMENT CONTRACT SHALL INCLUDE A~~
5 ~~CLAUSE CONTAINING THE PROVISIONS OF THIS SUBSECTION.~~

6 [B. Personnel policies.] C. The Board [of Library
7 Trustees may] SHALL ADOPT:

8 (1) [Adopt] policies for staff classification,
9 salaries, benefits, working conditions, hiring and termination;
10 [or] AND

11 (2) [Use the county personnel office and the county
12 personnel rules and regulations] A GRIEVANCE PROCEDURE FOR
13 BOARD EMPLOYEES.

14 [C. Qualifications for professional employees.] D. Each
15 appointee to the professional library staff shall hold a
16 certificate or provisional certificate of library
17 qualifications issued by the State Superintendent of Schools.

18 [D. Library] E. Board employees shall not be considered
19 county employees but shall be the employees of the Board
20 itself.

21 [E.] F. Only the Board may terminate the employment of
22 any of its employees.

23 Section 9-133. Powers and duties of library director.

24 The Director of the library shall:

25 A. Act as the general executive officer of the library and
26 manage its daily operations under Board policies.

27 B. [Prepare] BY NOVEMBER 1 OF EACH YEAR, PREPARE and
28 present to the Board for its approval the annual budget.

29 C. Nominate, for appointment by the Board, all clerical
30 and professional employees in the library system.

31 Section 9-134. Volunteer aides.

32 The Board [of Library Trustees] may use volunteer aides.

1 These volunteer aides may not replace library personnel but
2 shall assist regular personnel in carrying out their duties.
3 The Board [of Library Trustees] shall develop guidelines for
4 the selection and use of voluntary aides in its library system.
5 Volunteer aides shall be considered agents of the Board [of
6 Library Trustees] for the limited purpose of comprehensive
7 liability insurance coverage.

8 [Section 9-135. Ratification of past acts.

9 All known contracts, obligations and expenditures of the
10 past and presently existing Boards of Library Trustees are
11 hereby ratified and acknowledged to be duly authorized and
12 legal contracts, obligations and expenditures of the Board of
13 Library Trustees of the County.]

14 Section 2. And Be It Further Enacted, That this Act shall take
15 effect sixty (60) calendar days from the date it becomes law.

16
17 EFFECTIVE:
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88-84

BY THE COUNCIL

AS AMENDED

BILL NO. 88-84 (AS AMENDED)

Read the third time.

Passed LSD 89-4 (February 7, 1989) (with amendments)

Failed of Passage _____

By Order

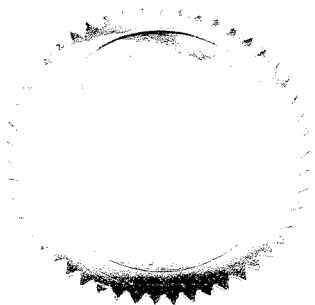
Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 8th day of February, 1989
at 3:00 o'clock P.M.

Doris Poulsen, Secretary

BY THE EXECUTIVE

APPROVED:



[Signature]
County Executive

Date 2-9-89

BY THE COUNCIL

This Bill, (No. 88-84, as amended), having been approved by
the Executive and returned to the Council, becomes law on
February 9, 1989.

Doris Poulsen, Secretary

EFFECTIVE DATE: April 10, 1989

88-84

AS AMENDED